



Appendix Q. Federal Ministers decision to declare the project a controlled action



Mr Christian Q. Spitzner
Synergy Wind Pty Ltd
PO Box 327
BALACLAVA VIC 3183

Dear Mr Spitzner

**Decision on referral
Alberton Wind Farm, Alberton West, Victoria (EPBC 2017/7854)**

Thank you for submitting a referral under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). This is to advise you of my decision about the referral of the proposed action, to construct a wind farm including 34 wind turbines and associated infrastructure around the township of Alberton West, South Gippsland, Victoria.

As a delegate of the Minister for the Environment and Energy, I have decided under section 75 of the EPBC Act that the proposed action is a controlled action and, as such, it requires assessment and a decision about whether approval for it should be given under the EPBC Act.

The information that I have considered indicates that the proposed action is likely to have a significant impact on the following matters protected by the EPBC Act:

- Listed threatened species and communities (section 18 & section 18A)
- Listed migratory species (section 20 & section 20A)
- The ecological character of a declared Ramsar wetland (section 16 & section 17B)

A copy of the document recording this decision is enclosed.

Please note that this decision only relates to the potential for significant impacts on matters protected by the Australian Government under Chapter 2 of the EPBC Act.

Further information required

At this stage, a decision has not been made on the approach that must be used to assess the project. The project manager will contact you shortly to discuss the assessment process.

I have also written to Ms Jane Homewood, Executive Director, Statutory Planning Services, Planning, Department of Environment, Land, Water and Planning to advise of this decision.

Please also note that once a proposal to take an action has been referred under the EPBC Act, it is an offence under section 74AA to take the action while the decision

making process is on-going (unless that action is specifically excluded from the referral or other exemptions apply). Persons convicted of an offence under this provision of the EPBC Act may be liable for a penalty of up to 500 penalty units. The EPBC Act is available on line at: <http://www.environment.gov.au/epbc/about/index.html>

The Department has recently published an *Environmental Impact Assessment Client Service Charter* (the Charter) which outlines the Department's commitments when undertaking environmental impact assessments under the EPBC Act. A copy of the Charter can be found at: <http://www.environment.gov.au/epbc/publications/index.html>.

If you have any questions about the referral process or this decision, please contact the project manager, Matthew Plunkett, by email, Matthew.Plunkett@environment.gov.au, or telephone 02 6275 9453 and quote the EPBC reference number shown at the beginning of this letter.

Yours sincerely



James Barker
Assistant Secretary
Assessments and Sea Dumping Branch

29 March 2017

Attached: Referral decision notice



**Notification of
REFERRAL DECISION AND DESIGNATED PROPONENT – controlled action
DECISION ON ASSESSMENT APPROACH**

Alberton Wind Farm, Alberton West, Victoria (EPBC 2017/7854)

This decision is made under section 75 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

| | |
|------------------------|--|
| proposed action | To construct 34 wind turbines and associated infrastructure around Alberton West, South Gippsland, Victoria [See EPBC Act referral 2017/7854]. |
|------------------------|--|

| | |
|------------------------------------|---|
| decision on proposed action | The proposed action is a controlled action. The project will require assessment and approval under the EPBC Act before it can proceed. |
|------------------------------------|---|

| | |
|--|--|
| relevant controlling provisions | <ul style="list-style-type: none">• Ramsar wetlands (sections 16 & 17B)• Listed threatened species and communities (sections 18 & 18A)• Listed migratory species (sections 20 & 20A) |
|--|--|

| | |
|-----------------------------|--|
| designated proponent | SYNERGY WIND PTY. LTD. ACN 22 111 726 393 |
|-----------------------------|--|

| | |
|----------------------------|----------------|
| assessment approach | To be advised. |
|----------------------------|----------------|

Decision-maker

| | |
|--------------------------|---|
| Name and position | James Barker Assistant Secretary Assessments and Sea Dumping Branch |
|--------------------------|---|

| | |
|------------------|--|
| Signature | |
|------------------|--|

| | |
|-------------------------|---------------|
| date of decision | 29 / 3 / 2017 |
|-------------------------|---------------|

Beveridge Williams
Melbourne Office
1 Glenferrie Road
Malvern Vic 3144
PO Box 61
Malvern Vic 3144
Tel: (03) 9524 8888
Fax: (03) 9524 8899
www.beveridgewilliams.com.au